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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,657	07/16/2003	David Ray Lolley	16305-US	1461

7590 04/28/2004

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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,657

Applicant(s)

LOLLEY, DAVID RAY

Examiner

Meredith C Petravick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/22/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In paragraph 0011, line 11, "knifes" should be --knives--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puncchar 5,343,682 in view of Klein 4,750,321.

Puncchar discloses a hold down clip (embodiment of Figures 1-3) including:

- a frame with a first leg (7 and 8) and a second leg (23 and 24)
- an enlarged wear plate (4) on the second leg that holds the sickle bar against the knife guard
- an adjustment assembly (25 and 3) extending between the first and second legs

The first leg forms a mounting assembly for mounting to a support bar (Fig. 1). The second leg forms the hold down assembly. However, Puncchar fails to disclose making the hold down clip from sheet metal.

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Like Puncochar, Klein discloses a hold down clip. Unlike Puncochar, Klein discloses that making the clip from sheet metal makes in lighter weight (Column 4, lines 56-60).

Given the teaching in Klein it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the hold down clip in Puncochar from sheet metal as disclosed in Klein, in order to decrease weight.

In regards to the structure of the hold down clip being integral, the combination discloses the claimed invention except for the structure of the hold down clip being integral. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the structure integral, since it has been held that forming in one piece an article which as formerly been formed in two pieces and put together involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

In regards to claim 2, the adjustment assembly is a bolt (25) and a nut (3).

In regards to claim 3, the raised web portion is considered to be the raised portion around the head of bolt (25).

In regards to claim 4, the raised web portion is considered to have portion 29, which receives the rear of the knives as show in Figure 3.

In regards to claims 5 and 6, the first leg has a guide surface 28 that contacts the sickle bar.

4. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the embodiment of Figures 1-3 of Puncochar as Klein as applied to the claims above, and further in view of the embodiment of Figures 6-9 of Puncochar.

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The combination discloses the claimed invention as described in detail above. However, these Figures do not show a reinforcing rib on the second leg.

Figures 6-9 of Puncochar, discloses a similar hold down clip with a second leg. However, this embodiment includes a reinforcing rib as shown in Figure 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second leg in the embodiment of Figure 1-3 with a reinforcing rib as shown in the embodiment of Figure 6-9, since it is well known in the art that reinforcing ribs provided strength and decrease breakage.

In regards claims 9-13, the limitations in these claims are described in detail above.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's claims are now rejection under a base combination of Puncochar and Klein.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-308-1113. The fax number for this Group is 703-872-9306.

A handwritten signature in black ink, appearing to read 'M. Petravick', with a stylized, cursive script.

Meredith Petravick

Patent Examiner

Group Art Unit 3671

April 25, 2004